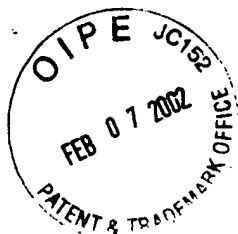


#3

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

DECLARATION FOR PATENT APPLICATION

COPY OF PAPERS
ORIGINALLY FILED



As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first an joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD TO DETERMINE THE TIME DOMAIN EQUALIZED SIGNAL-TO-NOISE RATIO OF A MASS STORAGE DEVICE .

The specification of which was filed on September 26, 2001 as application serial no. 09/963,879.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 4 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| <u>Application Number</u> | <u>Filing Date</u> |
|---------------------------|--------------------|
| 60/745,445 | November 2, 2000 |
| 60/235,604 | September 27, 2000 |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application.

No such claim for priority is being made at this time.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Edmun ChianSong Seng**

Citizenship: **Malaysia**

Residence: **Singapore, Singapore**

Post Office Address: **59 Farber Green
Singapore 129292
Singapore**

Signature: _____

Edmun ChianSong Seng

Date: 24th Oct. 2001

Full Name of joint inventor number 2 : **AikChuan Lim**

Citizenship: **Malaysia**

Residence: **Singapore, Singapore**

Post Office Address: **Blk 5
Dover Crescent #07-16
Singapore 130005
Singapore**

Signature: _____

AikChuan Lim

Date: 24th Oct 2001

Full Name of joint inventor number 3 : **Kay Hee Tang**

Citizenship: **Singapore**

Residence: **Singapore, Singapore**

Post Office Address: **Blk 122
#22-80 Kim Tian Road
Singapore 160122
Singapore**

Signature: _____

Kay Hee Tang

Date: 24 Oct 2001

Full Name of joint inventor number 4 : **UttHeng Kan**

Citizenship: **Malaysia**

Residence: **Singapore, Singapore**

Post Office Address: **85 Cashew Road
Cashew Height, #03-04
Singapore 679656
Singapore**

Signature: _____

UttHeng Kan

Date: 24 OCT 2001

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 5 : Jeffrey Soon Beng Sim

Citizenship: **Singapore**

Residence: **Singapore, Singapore**

Post Office Address: **5000 E Marine Parade Road, #14-19**

Laguna Park

Singapore 449288

Singapore

Signature: _____

Jeffrey Soon Beng Sim

Date: _____

25 October 2001

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------|-----------------------|------------------------------------|
| First Named Inventor: | Edmun ChianSong Seng | |
| Serial No.: | 09/963,879 | COPY OF PAPERS ORIGINALLY FILED |
| Filed: | September 26, 2001 | |
| Docket: | STL9961 934.138US1 | |

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified application,

REVOCATION OF PRIOR POWERS OF ATTORNEY

All powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following practitioners/patent agent are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

| | |
|--|---|
| Shawn B. Dempster, Registration No. 34,321 | Edward P. Heller, III, Registration No. 29,075 |
| Jonathan E. Olson, Registration No. 41,231 | Raghunath S. Minisandram, Registration No. 38,683 |
| Derek J. Berger, Registration No. 45,401 | Mitchell K. McCarthy, Registration No. 38,794 |
| Kirk A. Cesari, Registration No. 47,479 | Carol I. Bordas, Registration No. 37,284 |
| Paul T. Dietz Registration No. 38,858 | |

And members of the firm of SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

| | | | |
|-------------------------------|-----------------|------------------------|-------------------|
| Anglin, J. Michael | Reg. No. 24,916 | LeMoine, Dana B. | Reg. No. 40,062 |
| Arora, Suneel | Reg. No. 42,267 | Lundberg, Steven W. | Reg. No. 30,568 |
| Beekman, Marvin L. | Reg. No. 38,377 | Maki, Peter C. | Reg. No. 42,832 |
| Bianchi, Timothy E. | Reg. No. 39,610 | Malen, Peter L. | Reg. No. 44,894 |
| Billion, Richard E. | Reg. No. 32,836 | Mates, Robert E. | Reg. No. 35,271 |
| Black, David W. | Reg. No. 42,331 | McCrackin, Ann M. | Reg. No. 42,858 |
| Brennan, Leoniede M. | Reg. No. 35,832 | McTavish, Hugh E. | Reg. No. P-48,341 |
| Brennan, Thomas F. | Reg. No. 35,075 | Mehrle, Joseph P. | Reg. No. 45,535 |
| Brooks, Edward J., III | Reg. No. 40,925 | Moore, Charles L., Jr. | Reg. No. 33,742 |
| Chadwick, Robin A. | Reg. No. 36,477 | Muller, Mark V. | Reg. No. 37,509 |
| Clark, Barbara J. | Reg. No. 38,107 | Nama, Kash | Reg. No. 44,255 |
| Clise, Timothy B. | Reg. No. 40,957 | Nelson, Albin J. | Reg. No. 28,650 |
| Cochran, David R. | Reg. No. 46,632 | Micholson, Lea A. | Reg. No. 48,346 |
| Dahl, John M. | Reg. No. 44,639 | Nielsen, Walter W. | Reg. No. 25,539 |
| Drake, Eduardo E. | Reg. No. 40,594 | Padys, Danny J. | Reg. No. 35,635 |
| Embretson, Janet E. | Reg. No. 39,665 | Parker, J. Kevin | Reg. No. 33,024 |
| Forrest, Bradley A. | Reg. No. 30,837 | Perdok, Monique M. | Reg. No. 42,989 |
| Gamon, Owen J. | Reg. No. 36,143 | Peret, Andrew R. | Reg. No. 41,246 |
| Gorrie, Gregory J. | Reg. No. 36,530 | Peterson, David C. | Reg. No. 47,857 |
| Gortych, Joseph E. | Reg. No. 41,791 | Prout, William F. | Reg. No. 33,995 |
| Greaves, John N. | Reg. No. 40,362 | Schumm, Sherry W. | Reg. No. 39,422 |
| Haack, John L. | Reg. No. 36,154 | Schwegman, Micheal L. | Reg. No. 25,816 |
| Harris, Robert J. | Reg. No. 37,346 | Scott, John C. | Reg. No. 38,613 |
| Hill, Stanley K. | Reg. No. 37,548 | Smith, Michael G. | Reg. No. 45,368 |
| Jackson Huebsch, Katharine A. | Reg. No. 47,670 | Speier, Gary J. | Reg. No. 45,458 |
| Jurkovich, Patti J. | Reg. No. 44,813 | Steffey, Charles E. | Reg. No. 25,179 |
| Kalis, Janal M. | Reg. No. 37,650 | Stordal, Leif T. | Reg. No. 46,251 |
| Klima-Silberg, Catherine I. | Reg. No. 40,052 | Terry, Kathleen R. | Reg. No. 31,884 |
| Kluth, Daniel J. | Reg. No. 32,146 | Tong, Viet V. | Reg. No. 45,416 |
| Lacy, Rodney L. | Reg. No. 41,136 | Viksnins, Ann S. | Reg. No. 37,748 |
| Lemaire, Charles A. | Reg. No. 36,198 | Woessner, Warren D. | Reg. No. 30,440 |

CHANGE OF ATTORNEY'S/AGENT'S ADDRESS IN APPLICATION

Schwegman, Lundberg, Woessner & Kluth, P.A.

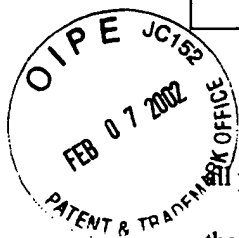
Attn: Richard E. Billion

P.O. Box 2938

Minneapolis, MN 55402

Telephone: (612) 371-2169

Facsimile: (612) 339-3061 Minneapolis, MN

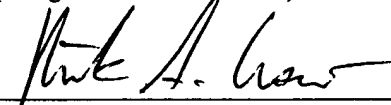


STATEMENT UNDER 37 CFR 3.73(b)

Seagate Technology LLC states that it is the Assignee of Entire Interest in the patent application/patent identified above by virtue of an Assignment from the inventor(s) of the patent application/patent identified above. A copy of the Assignment is attached and/or was recorded in the Patent and Trademark Office at Reel , Frame . The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Respectfully submitted,

SEAGATE TECHNOLOGY LLC
(Assignee of Entire Interest)



Kirk A. Cesari, Reg. No. 47,479
SEAGATE TECHNOLOGY LLC
Intellectual Property Dept. - SHK2LG
1280 Disc Drive
Shakopee, MN 55379-1863
(952) 402-3534 (telephone)
(952) 402-2657 (facsimile)

11-9-01

Date